



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	IV	Out of Home Placement	
Chapter:	C	Adoption	11-7-2011
Subchapter:	8	Adoption Subsidy	
Issuance:	800	Private Adoption Agencies and Adoption Subsidy	

Purpose

11-7-2011

This section presents policy regarding adoption placements of special needs children by private adoption agencies and the CP&P adoption subsidy program.

A list of adoption agencies approved to provide adoption services in New Jersey may be accessed via the "Path to Adoption" page on the public DCF web site at:

<http://www.nj.gov/nifosteradopt/adoption/path>

Authority

5-10-2010

- N.J.A.C. 10:121-1.3, Payments for the care and maintenance of a special needs child (adoption subsidy)
- N.J.A.C. 10:121A, Manual of Requirements for Adoption Agencies
- N.J.S.A. 30:4C-45 et seq.
- SEC. 470 [42 U.S.C. 670], Social Security Act, Part E
- PL 96-272, Adoption Assistance and Child Welfare Act of 1980
- P. L. 110-351, Fostering Connections to Success and Increasing Adoptions Act (FCSIAA) of 2008

Child Placed by Private Adoption Agency Eligible to Be Considered for Subsidy

5-10-2010

Pursuant to N.J.A.C.121:1-3(d), a child placed for adoption with a New Jersey family may be eligible for an adoption subsidy from CP&P under the following conditions:

- The child is a New Jersey resident and was placed by a New Jersey licensed adoption agency in New Jersey;
- The child is a New Jersey resident, not Title IV-E or SSI eligible, and was placed by a New Jersey licensed adoption agency in another state; or
- The child is Title IV-E or SSI eligible and was placed with a New Jersey family either by a New Jersey licensed adoption agency, or a private adoption agency licensed in another state.

Considerations for SSI Status of Child 5-10-2010

- CP&P is responsible for providing subsidy for a child who is an out-of-state resident placed in New Jersey by a licensed adoption agency, who has been determined eligible for SSI.
- Conversely, when a private adoption agency licensed in New Jersey places a New Jersey child with special needs in another state, CP&P provides the adoption subsidy only if the child has been determined ineligible for SSI.
- When a New Jersey child is placed out-of-state by an agency approved to provide adoption services in New Jersey, and an SSI determination has not been made, but the child appears to be eligible for SSI, CP&P makes the subsidy payment.
- CP&P only provides temporary subsidy during the interim between the application for SSI and the determination of eligibility. Proof is required with the subsidy application that the placing agency has applied for SSI benefits on behalf of the child. If a New Jersey child is determined ineligible for SSI, but meets the definition of a special needs child, CP&P continues the subsidy for that child.
- Because it is not always clear that a child will be determined SSI eligible, and this process may take some time, CP&P provides subsidy until it is determined which state will be responsible.
- CP&P terminates the subsidy, if the child is determined eligible for SSI, and advises the adoptive parent(s) to seek subsidy from his or her state of residence.

Request for Subsidy Must Be Made Prior to Placement 5-10-2010

A private adoption agency may request a subsidy for a child for whom it has custody. The private adoption agency must request a subsidy for the child prior to the child's placement to ensure that the adoptive parent(s) is well informed about the child he or she plans to adopt.

The only exception is if a child, who appears healthy and non-subsidy eligible when placed, is later determined to have a condition that would make him or her eligible. The request will be considered as a reasonable exception, if the application is received before the adoption is finalized.

DCF/CP&P Makes Determination of Eligibility 5-10-2010

DCF/CP&P determines whether a child is eligible to receive a State subsidy prior to the child's adoptive placement.

DCF/CP&P may approve State adoption subsidy payments for a child without the legal transfer of the care or custody of the child to DCF/CP&P.

Effective Date of Subsidy/Monitoring 5-10-2010

The subsidy payment for a child in a private agency adoption is effective the date DCF/CP&P receives the application for the adoption subsidy from the private agency or when the child is placed, whichever occurs later. DCF/CP&P is responsible for monitoring the adoption subsidy provided to the adoptive parent.

Adoptions Not Covered by DCF/CP&P Subsidy 5-10-2010

CP&P does not provide adoption subsidies for:

- New Jersey children placed in New Jersey by agencies not licensed to practice adoption in New Jersey;
- Private non-agency adoptions;
- Children brought into the State of New Jersey for the sole purpose of qualifying for an adoption subsidy; and
- International adoptions. Note: Pursuant to Federal Title IV-E regulations, children who have special needs, who are residents of the United States and were either adopted in another country or brought to this country for the purposes of adoption, are categorically ineligible for adoption assistance. The only exception is for a child who meets the eligibility criteria after the disruption of the adoption. See [CP&P-IV-F-1-300](#).

Relevant NJS Forms and Windows 5-10-2010

- Adoption Eligibility Window
- Adoption Planning Window
- Medicaid Eligibility Determination Window

- CP&P Form [10-5aa](#), Title IV-E Adoption Assistance Eligibility
- Determination

Related Policy**5-10-2010**

[CP&P-IV-C-1-100](#), General Description of Adoption Services

[CP&P-IV-C-1-1100](#), NJ and Federal Benefits Programs and Federal Taxes

[CP&P-IX-F-1-250](#), Federal Social Security Benefits

[CP&P-III-C-2-400](#), Supplemental Security Income

CP&P-IV-C-8, Adoption Subsidy